

USEC Privatization Act (42 U.S.C. 2297h-10(d)(2), 2297h-11).

“(3) QUANTITY.—In carrying out activities under this subsection, the Secretary, to the maximum extent practicable, shall make available—

“(A) by September 30, 2024, not less than 3 metric tons of HA-LEU; and

“(B) by December 31, 2025, not less than an additional 15 metric tons of HA-LEU.

“(4) FACTORS FOR CONSIDERATION.—In carrying out activities under this subsection, the Secretary shall take into consideration—

“(A) options for providing HA-LEU from a stockpile of uranium owned by the Department (including the National Nuclear Security Administration), including—

“(i) fuel that—

“(I) directly meets the needs of the end-users described in paragraph (1); but

“(II) has been previously used or fabricated for another purpose;

“(ii) fuel that can meet the needs of the end-users described in paragraph (1) after removing radioactive or other contaminants that resulted from a previous use or fabrication of the fuel for research, development, demonstration, or deployment activities of the Department (including activities of the National Nuclear Security Administration);

“(iii) fuel from a high-enriched uranium stockpile, which can be blended with lower assay uranium to become HA-LEU to meet the needs of the end-users described in paragraph (1); and

“(iv) fuel from uranium stockpiles intended for other purposes, but for which material could be swapped or replaced in time in such a manner that would not negatively impact the missions of the Department;

“(B) options for providing HA-LEU from domestically enriched HA-LEU procured by the Department through a competitive process pursuant to the HA-LEU Bank established under subsection (d)(3)(C); and

“(C) options to replenish, as needed, Department stockpiles of uranium made available pursuant to subparagraph (A) with domestically enriched HA-LEU procured by the Department through a competitive process pursuant to the HA-LEU Bank established under subsection (d)(3)(C).

“(5) LIMITATION.—The Secretary shall not barter or otherwise sell or transfer uranium in any form in exchange for services relating to—

“(A) the final disposition of radioactive waste from uranium that is the subject of a contract for sale, resale, transfer, or lease under this subsection; or

“(B) environmental cleanup activities.

“(6) APPROPRIATIONS.—In addition to amounts otherwise made available, there is appropriated to the Secretary to carry out this subsection, out of any amounts in the Treasury not otherwise appropriated, \$200,000,000 for each of fiscal years 2022 through 2026.

“(7) SUNSET.—The authority of the Secretary to carry out activities under this subsection shall terminate on the earlier of—

“(A) September 30, 2027; and

“(B) the date on which the HA-LEU needs of the end-users described in paragraph (1) can be fully met by commercial enrichers in the United States.

“(d) COMMERCIAL HA-LEU AVAILABILITY.—

“(1) ESTABLISHMENT.—Not later than 180 days after the date of enactment of the Infrastructure Investment and Jobs Act, the Secretary shall establish a program (referred to in this subsection as the ‘program’) to accelerate the availability of commercially produced HA-LEU in the United States in accordance with this subsection.

“(2) PURPOSES.—The purposes of the program are—

“(A) to provide for the availability of HA-LEU enriched, deconverted, and fabricated in the United States;

“(B) to address nuclear supply chain issues in the United States; and

“(C) to support strategic nuclear fuel cycle capabilities in the United States.

“(3) CONSIDERATIONS.—In carrying out the program, the Secretary shall consider and, as appropriate, execute—

“(A) options to establish, through a competitive process, a commercial HA-LEU production capability of not less than 20 metric tons of HA-LEU per year by—

“(i) December 31, 2026; or

“(ii) the earliest operationally feasible date thereafter;

“(B) options that provide for an array of HA-LEU—

“(i) enrichment levels;

“(ii) output levels to meet demand; and

“(iii) fuel forms; and

“(C) options to establish, through a competitive process, a HA-LEU Bank—

“(i) to replenish Department stockpiles of material used in carrying out activities under subsection (c); and

“(ii) after replenishing those stockpiles, to make HA-LEU available to members of the consortium established under subsection (b)(2)(F).

“(4) APPROPRIATIONS.—In addition to amounts otherwise made available, there is appropriated to the Secretary to carry out this subsection, out of any amounts in the Treasury not otherwise appropriated, \$150,000,000 for each of fiscal years 2022 through 2031.

“(e) COST RECOVERY.—

“(1) IN GENERAL.—In carrying out activities under subsections (c) and (d), the Secretary shall ensure that any HA-LEU acquired, provided, or made available under those subsections for members of the consortium established under subsection (b)(2)(F) is subject to cost recovery in accordance with subsection (b)(2)(G).

“(2) AVAILABILITY OF CERTAIN FUNDS.—Notwithstanding section 3302 of title 31, United States Code, revenues received from the sale or transfer of fuel feed material and other activities related to making HA-LEU available pursuant to this section—

“(A) shall be available to the Department for carrying out the purposes of this section, to reduce the need for further appropriations for those purposes; and

“(B) shall remain available until expended.

“(f) EXCLUSION.—In carrying out activities under this section, the Secretary shall not make available, or provide funding for, uranium that is recovered, downblended, converted, or enriched by an entity that—

“(1) is owned or controlled by the Government of the Russian Federation or the Government of the People’s Republic of China; or

“(2) is organized under the laws of, or otherwise subject to the jurisdiction of, the Russian Federation or the People’s Republic of China.”.

SA 2198. Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title III of division D, add the following:

SEC. 40324. NATIONAL STRATEGIC URANIUM RESERVE.

(a) DEFINITIONS.—In this section:

(1) URANIUM RESERVE.—The term “Uranium Reserve” means the uranium reserve operated pursuant to the program established under subsection (b).

(2) SECRETARY.—The term “Secretary” means the Secretary of Energy, acting through the Under Secretary for Science and Energy.

(b) ESTABLISHMENT.—Not later than 60 days after the date of enactment of this Act, the Secretary shall establish a program to operate a uranium reserve comprised of uranium recovered in the United States in accordance with this section.

(c) PURPOSES.—The purposes of the Uranium Reserve are—

(1) to address domestic nuclear supply chain issues;

(2) to provide assurance of the availability of uranium recovered in the United States in the event of a supply disruption; and

(3) to support strategic nuclear fuel cycle capabilities in the United States.

(d) EXCLUSION.—The Secretary shall exclude from the Uranium Reserve uranium that is recovered in the United States by an entity that—

(1) is owned or controlled by the Government of the Russian Federation or the Government of the People’s Republic of China; or

(2) is organized under the laws of, or otherwise subject to the jurisdiction of, the Russian Federation or the People’s Republic of China.

(e) APPROPRIATIONS.—In addition to amounts otherwise made available, there is appropriated to the Secretary to carry out this section, out of any amounts in the Treasury not otherwise appropriated, \$150,000,000 for each of fiscal years 2022 through 2031.

SA 2199. Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 40106 of title I of division D.

SA 2200. Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

In section 40106(j) of title I of division D, add at the end the following:

(9) GENERATION SUBSIDY PROHIBITED.—In administering the program, the Secretary shall ensure, through the issuance of rules and the adoption of practices and by other means, and shall certify in connection with any financial commitment under the program, that the benefits of the program, including any savings in transmission costs, to

any transmission provider or transmission customer do not constitute a subsidy for electric generation of any form.

SA 2201. Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

In section 40106(d)(4) of title I of division D, strike subparagraph (B).

In section 40106(d)(4) of title I of division D, redesignate subparagraph (C) as subparagraph (B).

SA 2202. Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

In section 40106(d)(4) of title I of division D, strike subparagraph (B).

In section 40106(d)(4) of title I of division D, redesignate subparagraph (C) as subparagraph (B).

In section 40106(j) of title I of division D, add at the end the following:

(9) **GENERATION SUBSIDY PROHIBITED.**—In administering the program, the Secretary shall ensure, through the issuance of rules and the adoption of practices and by other means, and shall certify in connection with any financial commitment under the program, that the benefits of the program, including any savings in transmission costs, to any transmission provider or transmission customer do not constitute a subsidy for electric generation of any form.

SA 2203. Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

DIVISION K—POLITICAL INFLUENCE IN AWARDS

SEC. 01. POLITICAL INFLUENCE IN AWARDS.

For each recipient of Federal funding under a division of this Act or an amendment made by a division of this Act, including a grant, loan guarantee, loan, or other award, the head of the agency or Department awarding the funding shall certify that political influence did not impact the selection of the recipient.

SA 2204. Mr. BARRASSO submitted an amendment intended to be proposed

to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II of division D, add the following:

SEC. 402. DEFINITION OF CRITICAL MINERAL.

Section 7002(a)(3)(B) of the Energy Act of 2020 (30 U.S.C. 1606(a)(3)(B)) is amended by striking clause (i) and inserting the following:

“(i) fuel minerals (other than fuel minerals that have 1 or more non-fuel uses that are essential to economic and national security);”.

SA 2205. Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

In section 40904(a)(1)(A) of division D, strike “1915” and insert “1917”.

In section 40904(a)(1)(B) of division D, strike “2-year period” and insert “3-year period”.

SA 2206. Mr. WICKER (for himself, Ms. STABENOW, Mr. INHOFE, and Mr. CORNYN) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 331, strike lines 8 through 13 and insert the following:

“(L) a project described in section 149(b)(5) that does not result in the construction of new capacity;

“(M) a project that reduces transportation emissions at port facilities, including through the advancement of port electrification; and

“(N) a project that uses pavement technologies, including designs, materials, and practices, that reduce carbon emissions and transportation emissions, as established by the Federal Highway Administration in policy guidance consistent with subsection (d)(2)(B)(iii).”

SA 2207. Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER,

and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII of division D, add the following:

SEC. 408. DETECTION, IDENTIFICATION, AND MITIGATION OF TREE SPIKING DEVICES ON FEDERAL LAND.

(a) **SHORT TITLE.**—This section may be cited as the “Tree Spiking Mitigation Act”.

(b) **DEFINITIONS.**—In this section:

(1) **FEDERAL LAND.**—The term “Federal land” means—

(A) National Forest System land; and

(B) land under the jurisdiction of the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

(2) **SECRETARIES.**—The term “Secretaries” means each of—

(A) the Secretary of Agriculture, acting through the Chief of the Forest Service; and

(B) the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

(3) **TREE SPIKING DEVICE.**—The term “tree spiking device” means any tree spiking device described in section 1864(d)(3) of title 18, United States Code.

(c) **AUTHORIZED ACTIVITIES.**—

(1) **IN GENERAL.**—The Secretaries, acting in coordination, shall take necessary actions to ensure the detection, identification, and, as the Secretaries determine to be appropriate, mitigation of tree spiking devices located on Federal land.

(2) **PRIORITIZATION.**—For purposes of carrying out activities under paragraph (1), the Secretaries shall prioritize areas in which—

(A) incidences of tree spiking devices have occurred; or

(B) the Secretaries suspect that there are tree spiking devices.

(3) **MEMORANDA OF UNDERSTANDING.**—The Secretaries may enter into memoranda of understanding for carrying out activities on Federal land under this subsection.

(4) **USE OF EXISTING FUNDS.**—Of amounts made available for the Office of the Secretary of the Interior and the Office of the Secretary of Agriculture that are not otherwise obligated (including amounts made available under this Act), the Secretaries shall use to carry out this subsection \$10,000,000, to remain available until September 30, 2026.

(d) **UPDATES TO SAFETY GUIDELINES AND TRAINING PROTOCOLS.**—Not later than 90 days after the date of enactment of this Act, the Secretaries shall, where appropriate, update safety guidelines and training protocols to include the awareness, detection, identification, and mitigation of tree spiking devices.

SA 2208. Mrs. GILLIBRAND submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division G, add the following:

TITLE XII—PEAKER PLANTS

SEC. 71201. SHORT TITLE.

This title may be cited as the “Promoting Energy Alternatives Is Key to Emission Reductions Act of 2021” or the “PEAKER Act of 2021”.